

1 THE HONORABLE JOHN C. COUGHENOUR

2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARIO RODRIGUEZ,

10 Plaintiff,

11 v.

12 THE BOEING COMPANY,

13 Defendant.
14

CASE NO. C18-1213-JCC

ORDER

15 This matter comes before the Court on Plaintiff's motion for leave to file an amended
16 complaint (Dkt. No. 19). Having considered the parties' briefing and the relevant record, the
17 Court finds oral argument unnecessary and DENIES the motion for the reasons explained herein.

18 **I. BACKGROUND**

19 Plaintiff filed this lawsuit in King County Superior Court on July 26, 2018. (Dkt. No. 1-3
20 at 2.) Plaintiff filed an amended complaint the following day. (Dkt. No. 1-2 at 1.) Defendant
21 subsequently removed the case to this Court. (Dkt. No. 1.) On October 9, 2018, the Court issued
22 a scheduling order. (Dkt. No. 14.) The scheduling order required that any amendment to
23 pleadings be filed by January 4, 2019. (*Id.*) Plaintiff's instant motion for leave to amend was
24 filed on September 8, 2019, approximately nine months after the deadline to amend pleadings
25 passed. (*See* Dkt. No. 19.)
26

1 **II. DISCUSSION**

2 Generally, Federal Rule of Civil Procedure 15 governs amendments to parties' pleadings.
3 Fed. R. Civ. P. 15. However, if a party moves to amend its pleadings after the date specified in
4 the court's scheduling order, then Federal Rule of Civil Procedure 16 governs instead. *Johnson v.*
5 *Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). Unlike Rule 15(a), which
6 provides a liberal amendment policy, Rule 16(b)(4) requires a showing of good cause before a
7 scheduling order may be changed. The good cause standard looks to the "diligence of the party
8 seeking the amendment." *Johnson*, 975 F.2d at 609.

9 Plaintiff moves for leave to amend under Rule 15. (See Dkt. No. 19 at 1.) However, the
10 scheduling order required amendments to pleadings be filed by January 4, 2019 (Dkt. No. 14.)
11 Plaintiff did not address the Rule 16 or its good cause standard in his motion or reply in support
12 of the motion. (See generally *id.*; Dkt. No. 23.) In so doing, Plaintiff failed to provide the Court
13 with evidence of diligence in seeking to amend. Without a showing of diligence pursuant to Rule
14 16, the Court cannot grant Plaintiff's motion.

15 **III. CONCLUSION**

16 For the foregoing reasons, the Court DENIES Plaintiff's motion for leave to file an
17 amended complaint pursuant to Rule 15 (Dkt. No. 19).

18 DATED this 8th day of October 2019.

19
20
21 

22 John C. Coughenour
23 UNITED STATES DISTRICT JUDGE
24
25
26